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1. Claims 1, 3-11, 13, 14 and 16-29 remain withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected species, the requirement having been traversed in Paper No. 5.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over Ueda et al. '030 in view of Ogino et al.

Ueda et al. '030 discloses all features including the use of expanded graphite. While Ueda does disclose that the graphite sheets and reinforcing fiber are "laminated" (which usually involves adhesive bonding), adhesives are not explicitly mentioned.

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Ogino et al. teaches the use of longitudinally disposed fibers which are laminated with expanded graphite sheets by adhesives for the purpose of reinforcing the graphite sheets.

Therefore, it would have been obvious, in view of Ogino et al., to use adhesive to laminate the graphite sheets and fiber of Ueda together.

4. Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over DeWitt, Sr. in view of Schnitzler.

DeWitt discloses the packing substantially as claimed, including the use of graphite, but does not specifically disclose the use of expanded graphite. Schnitzler teaches the well known use of expanded graphite which is preferred for use in packings due to its mechanical properties. Therefor, it would have been obvious, in view of Schnitzler, to utilize expanded graphite due to its preferred mechanical properties and commercial availability.

5. Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over Case et al. in view of Schnitzler.

Case et al. discloses all features except for the use of expanded graphite. Case et al. discloses a packing made of braided yarns wherein the yarns are made up of twisted or braided fibers and graphite. Case et al. also discloses the use of TFE binder which acts as an adhesive to bind the graphite to the fibers (also see Ueda et al. '030 column 5, lines 19-20).

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Schnitzler teaches the well known use of expanded graphite which is preferred for use in packings due to its mechanical properties. Therefor, it would have been obvious, in view of Schnitzler, to utilize expanded graphite due to its preferred mechanical properties and commercial availability.

6. Applicant's arguments filed November 6, 1996 have been fully considered but they are not deemed to be persuasive.

Applicant's assertions that the seal of Ueda et al. '030 does not have internally reinforced yarns as incorrect. As shown in figures 7-9, the yarns are internally reinforced by fiber 2.

In response to Applicant's piecemeal analysis of the Ogino and Schitzler references, one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is (703) 308-1113.


DANIEL G. DePUMPO
Primary Examiner
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dgd
September 26, 1996